

FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JANICE HERMES,
d/b/a SALON 5211
RESPONDENT

: FINAL DECISION AND ORDER
: 94 BAC 028
:

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Janice Hermes
d/b/a Salon 5211
5211 W. Loomis Rd.
Greenfield, Wisconsin 53129

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Janice Hermes (DOB 01-31-63), 6120 Downing St., Greendale, WI 53129, is duly licensed as a barbering and cosmetology manager in the state of Wisconsin (license #26412). This license was first granted on May 6, 1996.
2. Salon 5211, 5211 W. Loomis Rd., Greenfield, WI 53129, is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license #25955). This license was first granted on September 13, 1996. Janice Hermes is listed as the owner and manager of this establishment.
3. On exact dates unknown, but beginning at least on June 17, 1994, and continuing on through at least September 12, 1996, Ms. Hermes rented a chair from Dara Atlija, who owns and operates Salon 5211 (license #22537). At no time relevant to this action did Ms. Hermes hold an establishment license for the chair she was renting from Ms. Atlija.

4 In resolution of this matter, Ms. Hermes consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

By the conduct referred to in ¶ 3, above, Janice Hermes violated secs. 454.08(b) and Wisconsin Administrative Code §§ BC 2.04(1), 2.08(1)(b) and ch. BC 3.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Janice Hermes shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1000.00). Payment shall be submitted as follows:

\$100.00 due on or before March 15, 1997;	\$100.00 due on or before August 15, 1997;
\$100.00 due on or before April 15, 1997;	\$100.00 due on or before September 15, 1997;
\$100.00 due on or before May 15, 1997;	\$100.00 due on or before October 15, 1997;
\$100.00 due on or before June 15, 1997;	\$100.00 due on or before November 15, 1997;
\$100.00 due on or before July 15, 1997;	\$100.00 due on or before December 15, 1997.

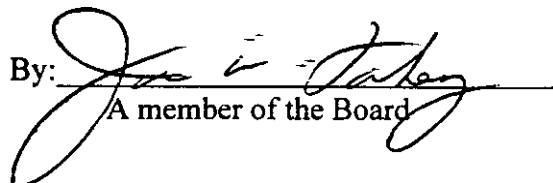
Each payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Michelle Neverman
Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

IT IS FURTHER ORDERED that in the event Janice Hermes fails to timely submit payment of the forfeiture as set forth above, the manager's license of respondent (lic. #26412) **SHALL BE SUSPENDED**, without further notice or hearing, until Ms. Hermes has complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY BOARD

By: 
A member of the Board

3/10/97
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

JANICE HERMES,
d/b/a SALON 5211
RESPONDENT

:
: STIPULATION
: 94 BAC 028
:

It is hereby stipulated between Janice Hermes, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (94 BAC 028). Ms. Hermes consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Hermes understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Ms. Hermes is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Hermes agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Ms. Hermes in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Janice K.A. Hermes
Janice Hermes
d/b/a Salon 5211

2/10/97
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

2/12/97
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On March 10, 1997, the Barbering and Cosmetology Examining Board took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$1,000.00 Case # 94 BAC 028

Please submit a check or a money order in the amount of \$ See payment plan below

The costs and/or forfeitures are due: Last payment is due December 15, 1997

NAME: Janice Hermes, d/b/a Salon 5211 LICENSE NUMBER: 26412

STREET ADDRESS: 5211 West Loomis Road

CITY: Greenfield STATE: WI ZIP CODE: 53129

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is: \$100.00. Payments due: March 15, 1997; April 15, 1997; May 15, 1997; June 15, 1997; July 15, 1997; Aug. 15, 1997; Sept. 15, 1997; October 15, 1997; November 15, 1997; and December 15, 1997.

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

For Receipting Use Only

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Janice Hermes,
d/b/a Salon 5211,

AFFIDAVIT OF MAILING


Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 13, 1997, I served the Final Decision and Order dated March 10, 1997, and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Janice Hermes, d/b/a Salon 5211, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 373 763.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

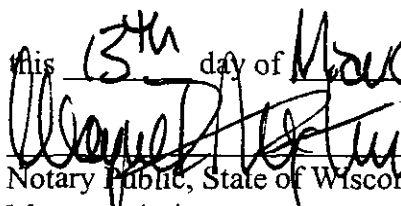
Janice Hermes,
d/b/a Salon 5211
5211 W. Loomis Road
Greenfield WI 53129



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 13th day of March, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 13, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)